

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUDOLPH GEORGE STANKO,

Defendant.

8:05CR93

ORDER

This matter is before the court on the defendant's notice of appeal (Filing No. [495](#)) of this court's determination (Filing No. [494](#)) that jurisdiction is vested in the United States District Court for Montana regarding supervised release. In addition, the probation office in Nebraska has refused a transfer of jurisdiction, Filing No. [495](#), Attach. 1, letter dated August 6, 2012. Defendant initially asked this court to transfer his supervised release to the State of Montana. The court complied and the Montana District Court accepted the transfer. The Montana District Court now has jurisdiction over Mr. Stanko. Accordingly, the court will instruct the Clerk of Court for the District of Nebraska not to grant IFP status to Mr. Stanko.

The court notes that the defendant is attempting to appeal an administrative decision by the U.S. Probation Office for the District of Nebraska which declined his request for supervision. The request was made through the Bureau of Prisons. The court has instructed the Chief U.S. Probation Officer for the District of Nebraska to advise the Bureau of Prisons that this District will accept supervision of the defendant if the District of Montana is willing to transfer the defendant. However, pending transfer of jurisdiction from the District of Montana, this court has no jurisdiction over the defendant.

IT IS ORDERED that the Clerk of Court is directed to forward Filing Nos. 491 through 496, and a copy of this order, to the United States District Court for the District of Montana, to the Chief U.S. Probation Officer for the District of Nebraska, and to provide a copy of these filings to the U.S. Probation Officer in his case, James Patelis, in Montana. The Clerk of Court is also instructed to term Filing Nos. 495 and 496.

Dated this 23rd day of August, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge